



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

MINUTES

March 14-15, 2007 Lancaster, California

Regular Meeting

March 14, 2007
Lancaster City Council Chambers
44933 Fern Avenue
Lancaster, CA 93534

Amy Horne, Ph.D., Chair, called the meeting to order at 1:10 p.m. on March 14, 2007.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley (3/14 only)
Jack Clarke, Apple Valley
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow

BOARD MEMBERS ABSENT

John Brissenden, Hope Valley (3/15 only)
Jim Chapman, Susanville

STATE BOARD LIAISON

Frances Spivy-Weber, Member, State Water Resources Control Board

LEGAL COUNSEL

David Coupe, State Water Resources Control Board
Steven Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer	Mike Coony, WRCE
Robert S. Dodds, Assistant Executive Officer	Brian Grey, Engineering Geologist
Chuck Curtis, Supervising WRCE	Scott Ferguson, Senior WRCE
Lauri Kemper, Supervising WRCE	Laurent Meillier, Engineering Geologist
Cindi Mitton, Senior WRCE	Alan Miller, Senior WRCE
Mike Plaziak, Senior WRCE	Eric Shay, Staff Services Analyst
Laurie Applegate, Executive Assistant	Curt Shifrer, WRCE

California Environmental Protection Agency

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ADDRESSING THE BOARD

William Abbey, Attorney General's Office

Norm Diaz

Nicole Granquist, County Sanitation Districts of Los Angeles

Bishop Henry Hearn, Mayor, City of Lancaster

Norm Hickling, Supervisor Michael Antonovich's Office, Los Angeles County, 5th District

Steve Maguin, County Sanitation Districts of Los Angeles

Mike Mischel, City of Palmdale

Eugene B. Nebeker, Ph.D., Nebeker Ranch

Curtis Paxton, Palmdale Water District

David Pedersen, Los Angeles County Waterworks District No. 40

Chris Seney, Nursery Products

Frances Spivy-Weber, Member, State Water Resources Control Board

John Ukkestad, Antelope Valley United Water Purveyors

James Welling, Supervisor Don Maben's Office, Kern County, 2nd District

Randy Williams, Director of Public Works, City of Lancaster

Bishop Henry Hearn, Mayor of the City of Lancaster, welcomed the Board members and thanked them for holding their meeting in Lancaster.

Dr. Horne welcomed Frances Spivy-Weber, member of the State Water Resources Control Board and liaison to the Lahontan Water Board. Ms. Spivy-Weber explained she would be sharing the liaison duties with State Board member Art Baggett. She provided the Board with information regarding her background and discussed the strategic plan stakeholder summit held in Sacramento on March 12 and 13 and future strategic plan workshops to be held in conjunction with Regional Board meetings throughout the State.

1. MINUTES

The minutes of the regular meeting of February 14 and 15, 2007 in South Lake Tahoe were not prepared in time to be considered by the Board. The minutes will be considered at the Board's April meeting.

PROPOSED WAIVER OF WASTE DISCHARGE REQUIREMENTS

2. Proposed Conditional Waiver of Waste Discharge Requirements and Resolution Adopting Second Addendum to the Functional Equivalent of an Environmental Impact Report Certified by the California Energy Commission for Victor Valley Water District and High Desert Power Project Limited Liability Corporation

Brian Grey gave the staff presentation, answered questions from the Board and recommended the Board adopt the conditional waiver and second addendum with a minor change to the date of adoption of the Resolution. Mr. Grey noted the date of adoption for the Resolution should be changed from March 15, 2007 to March 14, 2007. Chuck Curtis and Mike Plaziak answered questions from the Board regarding domestic wells.



Mr. Brissenden requested that a summary of the Mojave Water Agency's basin wide salt loading study be included in the Executive Officer's written report for May.

- **Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel and **unanimously carried** to adopt the conditional waiver and second addendum to the functional equivalent of the environmental impact report with the adoption date of the Resolution changed to March 14, 2007.

ENFORCEMENT ACTION

3. ***Public Hearing – Consideration of Administrative Civil Liability Order for Trinity Construction Company for Violation of California Water Code Section 13376 and for Violation of Waste Discharge Prohibitions Prescribed by the Water Quality Control Plan for the Lahontan Region for the Unauthorized Discharge of Untreated Wastewater to Surface Waters Within the Upper Mojave Hydrologic Area on November 4, 2005, Lake Arrowhead, San Bernardino County***

This item was removed from the March agenda. Water Board staff and Trinity Construction Company agreed to settle Administrative Civil Liability Complaint No. R6V-2007-0002 for a cash payment of \$6,000.

OTHER BUSINESS

4. **Executive Officer's Report**

Mr. Singer discussed items from the Executive Officer's written report for February 2007.

Mr. Singer handed out information regarding a workshop to be held on March 20, 2007 in Sacramento by the State Water Resources Control Board regarding development of a statewide water recycling policy. Mr. Singer expressed his general support for a water recycling policy and discussed some of his concerns related to the policy. He plans to attend the workshop and present his comments to the State Board members orally as well as in writing and asked for the Board's support. Board members concurred with Mr. Singer's comments and gave their support.

5. **CLOSED SESSION**

Board members met in closed session from 3:00 p.m. to 4:55 p.m. to discuss Items 5b, 5h, 5i and 5k. Mr. Dyas was not present during the discussion of Items 5h and 5i. The Board reconvened in open session at 4:56 p.m. and recessed for dinner.



Regular Meeting, Continued
March 14, 2007 – 7:00 p.m.

Amy Horne, Ph.D., Chair, called the meeting to order at 7:00 p.m. Board members present: John Brissenden, Jack Clarke, Keith Dyas, Eric Sandel, and Susan Van Dam. Board member absent: Jim Chapman.

6. PUBLIC FORUM

No one addressed the Board during the Public Forum.

ENFORCEMENT ACTION – General Information Regarding Items 8, 9 and 10

Keith Dyas declared a conflict of interest with Items 8, 9 and 10 because of his employment with Edwards Air Force Base.

Dr. Horne, Chair, opened the public hearing for Items 9 and 10 and administered the oath. She noted the Board would consider Items 9 and 10, followed by Item 8. She explained that in order to allow the public adequate time for review and comment, the Board would not be acting on these items at the March Board meeting, but would continue the hearing to the Board's May 23-24, 2007 meeting in Lancaster.

Dr. Horne introduced the Board's Advisory Team: David Coupe, Counsel; Lauri Kemper, Supervising Water Resources Control Engineer; and Alan Miller, Senior Water Resource Control Engineer. Dr. Horne also introduced the Prosecution Team: Steven Blum, Counsel; and Harold Singer, Executive Officer. Ms. Kemper and Mr. Miller joined the Board on the dais.

9. *Public Hearing – Consideration of Amended Cease and Desist Order No. R6V-2004-0038-A01 for County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. R6V-2002-053.*

(See General information regarding Items 8, 9 and 10 on page 4.)

Mr. Singer gave the staff presentation for Item 9 and drew the Board's attention to the late revision sheet. Mr. Singer and Mike Coony answered questions from the Board and the Advisory Team.

Addressing the Board: Nicole Granquist, County Sanitation Districts of Los Angeles; James Welling, representing Supervisor Don Maben, Kern County, 2nd District; Randy Williams, Director of Public Works, City of Lancaster; and Norm Hickling, representing Supervisor Michael Antonovich, Los Angeles County, 5th District.

Steven Blum and David Coupe commented on a request from Mr. Welling for an additional workshop to allow more public participation. Following discussion, it was decided that staff could hold a workshop; however, the Board members could not be



present, nor would public comments presented at the workshop be made available to the Board or become part of the record.

10. **Public Hearing – Consideration of Amended Cease and Desist Order No. R6V-2004-0039-A01 for County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant for Discharge and Threatened Discharge of Waste in Violation of Waste Discharge Requirements Contained in Board Order No. 6-00-057.**

(See General information regarding Items 8, 9 and 10 on page 4.)

Mr. Singer gave the staff presentation for Item 10, drew the Board's attention to a late revision sheet, and answered questions from the Board and the Advisory Team.

Addressing the Board: Nicole Granquist, County Sanitation Districts of Los Angeles.

8. **Consideration of a Settlement for Claims of Administrative Civil Liability through the Adoption of an Administrative Civil Liability Order for: County Sanitation District No. 14 of Los Angeles County – Lancaster Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order No. R6V-2002-053 and Cease and Desist Order (Board Order No. R6V-2004-0038; and County Sanitation District No. 20 of Los Angeles County – Palmdale Water Reclamation Plant, for Violation of Waste Discharge Requirements (Board Order Nos. 6-89-31, 6-93-18 and 6-00-57) and Cease and Desist Order (Board Order No. R6V-2004-0039).**

(See General information regarding Items 8, 9 and 10 on page 4.)

Mr. Singer gave the staff presentation for Item 8, drew the Board's attention to a late revision sheet, and answered questions from the Board and the Advisory Team.

Addressing the Board: Steve Maguin and Nicole Granquist, County Sanitation Districts of Los Angeles; David Pedersen, Los Angeles County Waterworks District No. 40; Norm Hickling, Supervisor Michael Antonovich, Los Angeles County, 5th District; Randy Williams, Director of Public Works, City of Lancaster; Mike Mischel, City of Palmdale; Curtis Paxton, Palmdale Water District; Eugene Nebeker, Nebeker Ranch; John Ukkestad, Antelope Valley United Water Purveyors (handout); William Abbey, Attorney General's Office.

Board members discussed holding a workshop. It was decided that staff will hold an informational workshop. Board members will not attend the workshop. Mr. Coupe noted the need to let the public know that the Board will not be present at the workshop, public comments made at the workshop will not be given to the Board or be made a part of the record.

Dr. Horne continued Items 8, 9 and 10 to the May 23-24, 2007 meeting of the Lahontan Water Board in Lancaster.



AMENDED WASTE DISCHARGE REQUIREMENTS

7. Los Angeles County Sanitation District No. 14, Lancaster Water Reclamation Plant, Los Angeles County; Board Order No. R6V-2002-053A2.

Note: Keith Dyas declared a conflict of interest with Item 7 because of his employment with Edwards Air Force Base.

Mr. Singer gave the staff presentation, discussed comments received, and drew the Board's attention to a late revision sheet. Mr. Singer and Mr. Plaziak answered questions from the Board. Mr. Singer recommended the Board adopt the permit with the late revision sheet.

Addressing the Board: Eugene Nebeker, Nebeker Ranch.

Mr. Singer and Mr. Plaziak discussed vadose zone monitoring and effluent discharge limits.

Dr. Horne expressed the need for an independent scientific study of the ultimate fate of total nitrogen in the soil column under Piute Ponds. Mr. Singer noted he will be contacting professors who have expressed concerns regarding the issue and will report his findings to the Board.

Dr. Horne asked if the farm management plan should be peer reviewed to put issues to rest. Mr. Singer noted several Regional Board staff have agronomic degrees and have reviewed the fate of nitrogen and total dissolved solids in the water being disposed. He noted a more accurate description of the plan would be effluent disposal plan.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Clarke and **unanimously carried** to adopt the amended waste discharge requirements with the late revision sheet.

The evening session recessed at 11:40 p.m.

Regular Meeting, Continued **March 15, 2007 – 8:30 a.m.**

Amy Horne, Ph.D., Chair, called the meeting to order at 8:30 a.m. Board members present: Jack Clarke, Keith Dyas, Eric Sandel, and Susan Van Dam. Board members absent: John Brissenden and Jim Chapman.

12. PUBLIC FORUM

Norman Diaz, Hinkley, handed out material, showed a video and discussed air and water quality concerns related to Nursery Products, LLC, a proposed sludge bio-waste facility in Hinkley. Mr. Diaz answered questions from the Board.



Mr. Singer noted staff has asked the project proponent to submit a report of waste discharge and will evaluate the issues when submitted.

Chris Seney, Director of Operations, Nursery Products, handed out a brochure to the Board and discussed the proposed Nursery Products composting facility. Mr. Seney noted additional information can be found on their website at: www.nurseryproductsservices.com. Mr. Seney answered questions from the Board.

OTHER BUSINESS

11. Reports by Chair and Board Members

Dr. Horne reported that Jim Chapman submitted a letter of resignation from the Regional Board to the Governor's office.

Dr. Horne discussed the State and Regional Board's update of the strategic plan and gave a report regarding the strategic plan stakeholder summit she attended on March 12-13, 2007 in Sacramento. She noted the Lahontan Water Board will be hosting a three-hour strategic plan regional outreach meeting in conjunction with its May 23-24, 2007 meeting in Lancaster. Dr. Horne will call Board members input regarding the meeting.

13. ADJOURNMENT OF FORMAL MEETING

With no further business to come before the Board, the meeting adjourned at 9:05 a.m.

Prepared by: _____ Adopted: April 11, 2007
Original signed by:
Laurie Applegate, Executive Assistant

